

# **Exhibit 4**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

_____ <b>PEARSON'S PHARMACY, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No.: 3:05-cv-1072-F</b>
	)	
<b>v.</b>	)	
	)	
<b>BLUE CROSS AND BLUE SHIELD</b>	)	
<b>OF ALABAMA,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**AFFIDAVIT OF CARL CAUDLE**

1. My name is Carl Caudle. I am the Department Manager of Underwriting for Blue Cross and Blue Shield of Alabama. As such, I have personal knowledge that the statements contained herein are true and correct.

2. Blue Cross serves as the insurer and/or claims administrator for numerous ERISA employee welfare benefits plans under which Blue Cross members receive their health benefits coverage.

3. Approximately 70% of Blue Cross members receive their health benefits coverage under ERISA plans that are either insured or administered by Blue Cross.

  
\_\_\_\_\_  
CARL CAUDLE

STATE OF ALABAMA     )  
                                  )  
COUNTY OF JEFFERSON )

BEFORE ME, the undersigned authority, a Notary Public, in and for said County and State, personally appeared Carl Caudle, whose name is signed to the foregoing affidavit and who is known to me, acknowledged before me on this date, that the information contained in the foregoing affidavit is true and correct according to his knowledge, information, and belief.

GIVEN under my hand and seal this 21 day of December 2005.

Melanie C. Guthrie  
Notary Public  
Commission Expires: 6-20-09